

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JESSICA BARRETT, an individual,

Plaintiff,

v.

TIDERIP, LLC, d/b/a SKAGIT ARMS, a
Washington Corporation, and ANTHON STEEN,
and his marital community, an individual,

Defendants.

No. 2:19-cv-01850-BJR

STIPULATED MOTION AND
ORDER TO EXTEND DISCOVERY
CUTOFF AND DISPOSITIVE
MOTIONS DEADLINE

1
2 1. Pursuant to FRCP 16, Plaintiff Jessica Barrett and Defendants Tiderip, LLC
3 (d/b/a Skagit Arms) and Anthon Steen (collectively, “the Parties”), respectfully request that the
4 Court modify the current case schedule to extend the discovery motions deadline, discovery
5 cutoff and settlement conference deadlines by six weeks, and the dispositive motions deadline
6 by six weeks. The parties have conferred and believe they have good cause to extend these
7 deadlines.

8 2. In this motion, the parties are not seeking to continue the trial date.

9
10 **A. STATEMENT OF FACTS**

11 3. Plaintiff filed her Complaint for Damages on November 14, 2019. The current
12 trial date is March 1, 2021, and the current discovery cutoff is September 2, 2020.

13 4. The parties have been exchanging written discovery and have been attempting
14 to work cooperatively through discovery issues, rather than involve the Court. Despite the
15 parties’ diligence, delays occurred in the initial stages of discovery, due in large part to limited
16 access to documents during the Covid-19 pandemic, and several discovery issues that still need
17 to be resolved. All depositions have yet to occur.

18 5. Additionally, the parties have agreed to engage in mediation, and intend to
19 initiate that process promptly.

20 6. The parties have conferred regarding their ability to complete discovery,
21 including depositions, under the current case schedule.

22 7. Extending the discovery cutoff and dispositive motions deadline by six weeks
23 will accommodate both parties’ availability and scheduling issues, and also reduce the
24 likelihood of motion practice, while leaving sufficient time before the March 2021 trial.

25 8. The Parties, through their counsel, thus jointly represent that they have “good
26 cause” to extend these deadlines and request an order from this Court modifying the current
case schedule. FRCP 16(b).

9. Extension of these deadlines would modify the case schedule as follows:
 - a. The discovery cutoff will be moved from September 2, 2020 to October 14, 2020.
 - b. The deadline for filing dispositive motions will be moved from October 2, 2020 to November 13, 2020.

B. EVIDENCE RELIED UPON

The Parties rely upon this Motion and the pleadings, files and records in this proceeding.

C. AUTHORITY AND ARGUMENT

This Motion is based upon the Federal Rules of Civil Procedure, corresponding case law, and the Court's power to control its calendar. Orders entered before the final pretrial conference may be modified upon a showing of "good cause." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 608 (9th Cir. 1992) (citing Fed.R.Civ.P. 16(b)). In this particular context, "good cause" means that the scheduling deadlines cannot reasonably be met, despite the diligence of the party seeking the extension. *Jackson v. Laureate, Inc.*, 186 F.R.D. 605, 607 (E.D. Cal. 1999) *citing Johnson*, 975 F.2d at 609.

Here, "good cause" exists for modifying the current scheduling deadlines. As discussed in the Statement of Facts, the Parties jointly seek modification of the scheduling order, in light of significant scheduling issues and the desire to resolve current discovery conflicts informally, if possible, allow for mediation, while allowing time to complete depositions and any other necessary discovery.

D. CONCLUSION

For the above-stated reasons, the Parties respectfully request that the Court grant their Stipulation and Agreed Motion and request a revised case scheduling order extending the discovery cutoff and dispositive motions deadline as described above.

IT IS SO STIPULATED this 19th day of August, 2020.

STOEL RIVES LLP

Shishido Taren PLLC

s/Timothy J. O'Connell

Timothy J. O'Connell, WSBA No.
15372

Tim.oconnell@stoel.com

Rachel N. Herrington, WSBA No.
53255

Rachel.herrington@stoel.com

600 University Street, Suite 3600

Seattle, WA 98101

206-624-0900

206-386-7500 (fax)

Attorneys for Defendants

s/ Robin J. Shishido

Robin J. Shishido, WSBA No. 45926

Jordan A. Taren

1001 4th Avenue, Suite 3200

Seattle, Washington 98104

Tel: (206) 684-9320

Email: rshishido@shishidotaren.com

jtaren@shishidotaren.com

Attorneys for Plaintiff

PURSUANT TO STIPULATION, IT IS SO

ORDERED Dated this 20th day of August, 2020.



THE HONORABLE BARBARA ROTHSTEIN
U.S. District Court Judge